

# PALMER & DODGE LLP

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## **BY HAND DELIVERY AND E-MAIL**

Mary Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station, 2<sup>nd</sup> Floor  
Boston, MA 02110

Re: D.T.E. 01-34

Dear Ms. Cottrell:

I write this letter on behalf of AT&T Communications of New England, Inc. ("AT&T") to inquire as to the status of the Department's consideration of AT&T's motion to expand the scope of this proceeding.

In its motion AT&T asked that the Department expand the scope of this proceeding to monitor Verizon's performance with respect to all special access – without regard to jurisdiction – and to establish performance standards and incentives to ensure that Verizon ceases undue or unreasonable preference or discrimination in the provision of special access services, whether provided pursuant to state or federal tariff.

Since AT&T's motion was filed, the New York Public Service Commission ("NYPSC") issued an order in which it made findings regarding Verizon's discriminatory provisioning of special access circuits in that state and in which it ordered the addition of three new metrics to Verizon's already existing reporting responsibilities regarding special access provisioning. *Opinion And Order Modifying Special Services Guidelines For Verizon New York Inc., Conforming Tariff, And Requiring Additional Performance Reporting*, Cases 00-C-2051 and 92-C-0665, Opinion and Order No. 01-1 (June 15, 2001). I provided a copy of that decision to the Department by letter dated July 2, 2001. As indicated in that order, Verizon's existing reporting responsibilities in New York required the filing of performance reports regarding special access service provisioning under *both* the state and *federal* tariffs. *Id.* at 1-2 and n. 3.

Given the dependency of AT&T and other carriers on Verizon's special access provisioning, AT&T hopes that the Department will act soon and favorably on its motion to expand the scope of this proceeding. However, even if the investigation into appropriate

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*enforcement* mechanisms is not expanded to include provisioning under the federal tariff, at a minimum, the Department should adopt the existing *monitoring* system in New York, which has existed since 1995, under which Verizon's special access provisioning performance under both state and federal tariffs is reported.<sup>1</sup>

Very truly yours,

Jay E. Gruber

Enclosures

cc: Service List (attached)

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<sup>1</sup> As noted in the NYPSC's June 15, 2001, order, Verizon has filed these reports pursuant to an NYPSC order issued August 16, 1995.